

REMARKS

Claims 1-4, 6-15, 17-28 are pending in this application. Claims 4, 6, 7, 11, 13, 15, 17-19, 22 and 25-27 have been withdrawn without prejudice to their subject matter. Claims 1-3, 8-10, 12, 14, 20, 21, 23 and 28 stand rejected.

Interview Summary

A telephonic interview was conducted with the Examiner on November 8, 2005. Discussions during this telephonic interview addressed: (1) the new matter rejection of Figure 5; and (2) the declaration submitted under 35 C.F.R. § 1.132. The substance of these discussions is reflected in the remarks provided herein.

Drawings

In amended Figure 2, elements 18 and 19 have been added. No new matter has been added by this amendment to Figure 2 as the as-filed specification recites that the balloon may be ribbed or notched. Consideration and entry of this new drawing sheet is requested.

Declaration under 35 C.F.R. § 1.132

The Applicant respectfully traverses the Examiner's remarks that the declaration introduces matter that is beyond the general description of the application as originally filed. Rather, the declaration is evidence in support of what the original application discloses to one of skill in the art.

35 U.S.C. § 103(a)

Claims 1-3, 8-10, 12, 14, 20, 21, 23 and 28 stand rejected under 35 U.S.C. § 103(a) as being allegedly anticipated by U.S. Pat. No. 4,338,942 by Fogarty ("Fogarty") in view of U.S. Pat. No. 5,558,962 by Nicholas et al. ("Nicholas"), further in view of U.S. Pat. No. 5,472,424 by Lampropoulos et al. ("Lampropoulos"). However, the rejected claims are patentable over these references for at least the following reasons.


None of these cited references disclose a first inflatable balloon and a dilation bladder "attached to the distal end of the catheter," as recited in claims 1, 12 and 20. Support for this amendment can be found in Figure 6, which shows the dilation bladder 66 attached to the distal end of catheter 60. Figure 6 also shows a first inflatable balloon 65 also attached to the distal end of catheter 60. In contrast, Fogarty discloses an inner balloon element 34 attached to the distal end of tube 16. *See* Figure 1. Also shown in Figure 1, the outer balloon element 48 is attached to the distal end of tube 18. Thus, Fogarty does not disclose a first inflatable balloon and a dilation bladder attached to the distal end of the *same catheter* as now recited in claims 1, 12 and 20. Since both Nicholas and Lampropoulos are silent as to a dilation bladder, it follows that claims 1, 12 and 20 are patentable over the cited references.

CONCLUSION

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

Respectfully submitted,

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IN THE DRAWINGS:

The attached sheet of drawings includes changes to Figure 2. This sheet, which includes Figures 1, 2 and 2a, replaces the original sheet including Figures 1, 2 and 2a. In Figure 2, elements 18 and 19 have been added.